

COURT NOTICE

Following the recommendation of the Joint Committee on Local Rules for the Southern and Eastern Districts of New York, the Board of Judges of the Eastern District of New York and the Board of Judges of the Southern District of New York have unanimously adopted amendments to Local Civil Rule 6.3 (Motions for Reconsideration or Re-argument) and to Local Civil Rule 56.1 (Statements of Material Facts on Motion for Summary Judgment). The amendments to both Local Civil Rules are effective within 30 days, on March 26, 2004.

Comments, if any, on amended joint Local Civil Rules 6.3 and 56.1 may be directed to Robert C. Heinemann, Clerk of Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201. Any comments received by the Eastern District of New York will be circulated to the Southern District of New York, and to the Joint Local Civil Rules Committee.

The complete text of Local Civil Rule 6.3 and Local Civil Rule 56.1, as amended, appear below.

Local Civil Rule 6.3. Motions for Reconsideration or Re-argument

A notice of motion for reconsideration or re-argument *of a court order determining a motion* shall be served within ten (10) days after *the entry* of the court's *order determining* the original motion, *or, in the case of a court order resulting in a judgment, within ten (10) days after the entry of the judgment*. There shall be served with the notice of motion a memorandum setting forth concisely the matters or controlling decisions which counsel believes the court has overlooked. The time periods for the service of answering and reply memoranda, if any, shall be governed by Local Civil Rule 6.1(1) or (b), as in the case of the original motion. No oral argument shall be heard unless the court directs that the matter shall be reargued orally. No affidavits shall be filed by any party unless directed by the court.

Local Civil Rule 56.1. Statements of Material Facts on Motion for Summary Judgment

(a) Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, there shall be annexed to the notice of motion a separate, short and concise statement, *in numbered paragraphs*, of the material facts as to which the moving party contends there is no genuine issue to be tried. Failure to submit such a statement may constitute grounds for denial of the motion.

(b) The papers opposing a motion for summary judgment shall include a *correspondingly numbered paragraph responding to each numbered paragraph in the statement of the moving party, and if necessary, additional paragraphs containing a* separate, short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.

(c) *Each numbered paragraph in the statement of* material facts required to be served by the moving party will be deemed to be admitted *for purposes of the motion* unless *specifically* controverted by *a correspondingly numbered paragraph in the statement* required to be served by the opposing party.

(d) Each statement *by the movant or opponent pursuant to Rule 56.1(a) and (b), including each statement controverting any statement of material fact*, must be followed by citation to evidence which would be admissible, set forth as required by Federal Rule of Civil Procedure 56(e).

Issued: February 26, 2004

Robert C. Heinemann
Clerk of Court
Eastern District of New York

Clifford P. Kirsch
District Executive
Southern District of New York